

State Bar Of New Mexico

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Postmaster: Please send form 3579
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1117 Stanford, N. E., Albuquerque,
New Mexico, 87131

When Hearsay Is Admissible

Robert J. Wilson has become
associated with the law firm
of Schuelke and Rich; P.O.
Drawer 68; 300 West Hill
Avenue; Gallup, New
Mexico, 87301; Phone: (505)
722-4466. □

Robert J. Young, Attorney
at Law, announces the
opening of his office at 3201
Royal Drive, P.O. Box
1133; Silver City, New
Mexico, 88062; Phone: (505)
538-5053. □

J. Brent Ricks announces
his semi-retirement from the
daily practice of law in
order to better care for his
physical health. Mr. Ricks
has accepted the position as
Assistant Director of the
Adobe Gallery in Old Town,

Albuquerque. Mr. Ricks
will continue to be available
to act as special master in
real estate matters, as
attorney-in-fact in real
estate matters, as guardian
ad litem, and as an arbitra-
tor. □

Houston Lee Morrow, for-
merly of Sommer & Lawler,
P.A., announces the open-
ing of his offices for the
general practice of law at
P.O. Box 9551, 414 Old
Taos Highway, Suite 10,
Santa Fe, New Mexico
87501; Phone: (505)
983-4303. □

Disciplinary Note

An attorney who was de-
fending a client in a debt
collection proceeding wrote
to his client on June 11,
1982, and informed her that
the hearing on her case was
scheduled for September 1,
1982. Upon receipt of the
letter the client called the
attorney and told him that
she was leaving the state
and would not be present at
the hearing.

On September 1, 1982, the
attorney appeared without
his client and obtained a
two-month adjournment. In
November on the adjourned
date when the client again
failed to appear a default
judgment was granted.

The attorney's next commu-
nication with the client (the
last being on June 11,
1982) came in a telephone
call in May, 1983, during
which the client informed
him that the plaintiff had
instituted proceedings to
enforce the judgment. She
asked the attorney if there
was anything he could do to
assist her. The attorney

responded by drafting a
verified motion to set aside
the default judgment. In
the motion, the attorney
stated:

1. That the defendant had
no notice of the hearing
scheduled before this Court
on September 1, 1982.

2. That due to some
inadvertant error by the
postal service, my attorney
did not know my where-
abouts and therefore [I]
never received notice of the
hearing.

When he submitted the
motion to the client, she
refused to sign it because

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Section Nominating Committees

According to Section By-
laws, each State Bar Sec-
tion is required to publish
the names of the section
members serving on their
Nominating Committee.
Anyone wishing to nominate
a section member for office
or Board position, please
contact one of the members
of the specific Nominating
Committee within the next
week. Additional Nominat-
ing Committees will be
published as they become
available. Thank you.

PUBLIC ADVOCACY SECTION

Chris Carlsen, P.O. Drawer
1508, Santa Fe, NM 87504;
827-6020.

Lee Peters, P.O. Drawer
1508, Santa Fe, NM 87504;
827-6020.

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Discipline

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she felt it was inaccurate. She subsequently complained to the Disciplinary Board about the attorney's actions. The attorney acknowledged his conduct and claimed the notice he was referring to was legal notice. He argued that he had been unsure that his client appreciated the import of the notice she had received.

Charges were filed against the attorney alleging that he had engaged in deceitful conduct [Disciplinary Rule 1-102 (A) (4)] and that he had participated in the creation of evidence he knew was false [Disciplinary Rule 7-102 (A) (6)]. After a hearing the Hearing Committee recommended that the Charges be dismissed. It found that there was no intent to defraud [Disciplinary Rule 1-102 (A) (4)] and that no evidence had been created [Disciplinary Rule 7-102 (A) (6)]. The Committee stated, however, that had the client actually verified the motion and the motion been presented to Court, there would have been misconduct warranting disciplinary action. The Hearing Committee suggested that a letter of caution be issued to the attorney instructing the attorney to be more careful in drafting verified pleadings and affidavits. Such documents are not in the nature of a legal argument to the Court but rather they are specific representations which must be factually truthful.

The case was thereupon concluded with a letter of caution. □

Nominating Committees

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Charlotte Uram, P.O. Box 1508, Santa Fe, NM 87504; 827-6057.

Frank Mulholland, P.O. Box 2323, Santa Fe, NM 87501; 982-4198.

Gerald Gonzalez, PSC-Bataan Memorial Bldg., Santa Fe, NM 87503; 827-6981.

REAL PROPERTY, PROBATE AND TRUST SECTION

Stephen Rhoades, P.O. Box 2048, Albuquerque, NM 87103; 842-8255.

Robert F. Rosebrough, 101 W. Aztec Ave., #B, Gallup, NM 87301; 722-4463.

Roger Copple, P.O. Box 40, Santa Fe, NM 87501; 982-4004.

Mel O'Reilly, P.O. Box 2295, Ruidoso, NM 88345; 257-5035.

Richard Rowley, II, P.O. Box 790, Clovis, NM 88101; 763-4457.

TRIAL PRACTICE SECTION

Jay Faurot, P.O. Box N, Farmington, NM 87401; 325-1838.

Rick Beitler, P.O. Box 1888, Albuquerque, NM 87103; 765-5900.

Neil Weinbrenner, P.O. Drawer O, Las Cruces, NM 88004; 524-8624.

Jack Klecan, P.O. Box 3170, Albuquerque, NM 87190; 884-0777.

Joe McClaugherty, P.O. Box 1357, Santa Fe, NM 87501; 984-0100.

NATURAL RESOURCES SECTION

John R. Cooney, P.O. Box 2168, Albuquerque, NM 87103; 848-1800.

Larry P. Ausherman, P.O. Box 2168, Albuquerque, NM 87103; 848-1800.

Lynn H. Slade, P.O. Box 2168, Albuquerque, NM 87103; 848-1800.

Kevin Bliss, P.O. Drawer 217, Artesia, NM 88210; 748-3303.

Robert J. Nordhaus, 507 Roma N.W., Albuquerque, NM 87102; 243-4275.

CRIMINAL LAW SECTION

Mark H. Donatelli, 136 Grant Ave., Santa Fe, NM 87501; 827-3900.

Danelle J. Smith, P.O. Box 2025, Las Vegas, NM 87701; 425-6746.

Nilda Pabon-Gallegos, 1409 Calle Cielito Lindo, Santa Cruz, NM 87567.

Hal William Greig, P.O. Drawer 1080, Clovis, NM 88101; 763-4428.

Martha Vazquez, P.O. Box 2228, Santa Fe, NM 87501; 982-2691.

TAXATION SECTION

Beth R. Davenport, #204 - 124 East Marcy, Santa Fe, NM 87501; 988-8039.

John E. Heer, III, P.O. Box 2168, Albuquerque, NM 87103; 848-1860.

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